

August 9, 2005

Kelli Medina
Finance Director
Friends of Juan Vargas
[Address Redacted]
San Diego, CA 92169

**Re: Your Request for Advice
Our File No. A-05-150**

Dear Ms. Medina:

This letter is in response to your request for advice regarding the campaign provisions of the Political Reform Act (the “Act”)¹ on behalf of the Juan Vargas for Congress Committee.

QUESTION

Does the lobbyist contribution limitation of section 85702 apply to prohibit registered lobbyists from making contributions to Assemblymember Vargas’ federal campaign for Congress?

CONCLUSION

No.

FACTS

Assemblymember Juan Vargas is a member of the California Legislature who is running for Congress. Whether or not his Vargas for Congress committee may receive federal campaign contributions from state lobbyists is the subject of your inquiry.

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

ANALYSIS

Assemblymember Vargas currently holds a seat in the California State Assembly. He also is a candidate for a seat in Congress. Section 85702 of the Act prohibits lobbyists from making contributions to candidates and officeholders whom they are registered to lobby:

“An elected state officer or candidate for elected state office may not accept a contribution from a lobbyist, and a lobbyist may not make a contribution to an elected state officer or candidate for elected state office, if that lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer.”

Section 82007, defining the term “candidate,” however, expressly exempts from that definition “any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.” Thus, candidates for federal office, such as Congress, are not reached by provisions applying to candidates otherwise defined in section 82007. We have advised in the past that contributions made to federal candidates need not be cumulated with those made to state or local candidates or committees for purposes of section 82013, subdivision (c), (defining a major donor committee). (*Reed* Advice Letter, No. I-88-213.) Moreover, we have rendered that advice even in cases where the federal candidate is currently holding state or local elected office. (*Id.*)

We believe the same rule applies with regard to section 85702. While Mr. Vargas may hold state elective office, the campaign contribution to his congressional campaign is not governed by the Act. (*Dickinson* Advice Letter, No. A-04-177.) As such, section 85702 does not serve to restrict lobbyist contributions to Mr. Vargas’ federal account.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
General Counsel

By: Kevin S. Moen, PhD
Political Reform Consultant II
Technical Assistance Division

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